

Senate File 526 - Introduced

SENATE FILE 526
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1167)

A BILL FOR

1 An Act creating a blue alert program within the department of
2 public safety for the apprehension of a person suspected of
3 killing or seriously injuring a peace officer in the line of
4 duty or due to safety concerns for a peace officer missing
5 while on duty.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **80H.1 Definitions.**

2 As used in this chapter, the following definitions apply:

3 1. "*Department*" means the department of public safety.

4 2. "*Law enforcement agency*" means a law enforcement agency
5 with jurisdiction over the search for a suspect in a case
6 involving the death or serious injury of a peace officer in
7 the line of duty, or a law enforcement agency employing a
8 peace officer who is reported missing while on duty under
9 circumstances warranting concern for the peace officer's
10 safety.

11 3. "*Peace officer*" means the same as defined in section
12 801.4.

13 Sec. 2. NEW SECTION. **80H.2 Blue alert program — creation.**

14 A blue alert program is created as a cooperative effort
15 between the department and local law enforcement agencies to
16 aid in the search for a suspect of a crime involving the death
17 or serious injury of a peace officer in the line of duty or a
18 peace officer who is missing while on duty under circumstances
19 warranting concern for the peace officer's safety.

20 Sec. 3. NEW SECTION. **80H.3 Criteria — blue alert.**

21 1. Upon notification by a law enforcement agency that a
22 suspect in a case involving the death or serious injury of a
23 peace officer in the line of duty has not been apprehended
24 and may be a serious threat to the public, the Iowa state
25 patrol communications center shall activate a blue alert and
26 notify appropriate participants in the blue alert program,
27 as established by department rule, if all of the following
28 criteria apply:

29 a. A law enforcement agency believes that the suspect has
30 not been apprehended.

31 b. A law enforcement agency believes that the suspect may be
32 a serious threat to the public.

33 c. Sufficient descriptive information is available to
34 disseminate to the public that could assist in locating the
35 suspect.

1 2. Upon notification by a law enforcement agency that a
2 peace officer is missing while on duty under circumstances
3 warranting concern for the peace officer's safety, the Iowa
4 state patrol communications center shall activate a blue alert
5 and notify appropriate participants in the blue alert program,
6 as established by department rule, if sufficient descriptive
7 information is available to disseminate to the public that
8 could assist in locating the missing peace officer.

9 3. The Iowa state patrol communications center shall not
10 release any information about the identity of a peace officer
11 in a case involving the death or serious injury of the peace
12 officer who is the subject of a blue alert.

13 4. If a blue alert is issued because a peace officer is
14 missing while on duty, the Iowa state patrol communications
15 center shall defer to the investigating law enforcement agency
16 about the nature and limits of the officer information to be
17 made public.

18 Sec. 4. NEW SECTION. **80H.4 Activation and termination.**

19 1. Upon establishment of the blue alert criteria in section
20 80H.3, the department shall transmit a blue alert through the
21 emergency alert system to Iowa broadcasters.

22 2. Upon the transmission of a blue alert, the department
23 shall post the alert on an internet website accessible by the
24 public.

25 3. After an initial blue alert transmission, additional
26 information may be submitted by the participating law
27 enforcement agency by facsimile transmission, electronic mail,
28 or telephonic means.

29 4. The communications officer of the state patrol may
30 direct the transmission of an Iowa blue alert upon request from
31 another state, provided that there is evidence the suspect may
32 be present in Iowa.

33 5. The blue alert transmission may be directed to a specific
34 geographic location within the state if the Iowa state patrol
35 communications center determines that the nature of the event

1 makes it probable that the suspect or peace officer did not
2 leave a certain geographic location of the state.

3 6. A blue alert shall terminate if any of the following
4 occur:

5 a. The suspect or peace officer is located.

6 b. The department determines that the blue alert is no
7 longer an effective tool for locating the suspect or peace
8 officer.

9 c. Five hours have elapsed since the transmission of the
10 blue alert.

11 7. A blue alert may be renewed.

12 8. Law enforcement agencies shall notify the department
13 immediately upon taking a suspect into custody or upon locating
14 the missing peace officer.

15 Sec. 5. NEW SECTION. 80H.5 Liability.

16 No entity or individual shall be liable for any civil damages
17 arising from the activation or termination of a blue alert.

18 Sec. 6. NEW SECTION. 80H.6 Rules.

19 The department shall adopt rules pursuant to chapter 17A to
20 implement this chapter.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill creates a blue alert program within the department
25 of public safety.

26 The bill provides that the purpose of a blue alert program
27 is to aid in the apprehension of a person suspected of killing
28 or seriously injuring a peace officer in the line of duty or a
29 peace officer who is missing while on duty under circumstances
30 warranting concern for the peace officer's safety.

31 The bill defines "department" to mean the department
32 of public safety, "law enforcement agency" to mean a law
33 enforcement agency with jurisdiction over the search for a
34 suspect in a case involving the death or serious injury of a
35 peace officer in the line of duty, or a law enforcement agency

1 employing a peace officer who is reported missing while on duty
2 under circumstances warranting concern for the peace officer's
3 safety, and "peace officer" to mean the same as defined in Code
4 section 801.4.

5 The bill provides that upon notification by a law
6 enforcement agency that a suspect in a case involving the
7 death or serious injury of a peace officer in the line of
8 duty has not been apprehended and may be a serious threat to
9 the public, the Iowa state patrol communications center shall
10 activate a blue alert if all of the following criteria apply:
11 a law enforcement agency believes that the suspect has not
12 been apprehended; a law enforcement agency believes that the
13 suspect may be a serious threat to the public; and sufficient
14 descriptive information is available to disseminate to the
15 public that could assist in locating the suspect.

16 The bill provides that upon notification by a law
17 enforcement agency that a peace officer is missing while on
18 duty under circumstances warranting concern for the peace
19 officer's safety, the Iowa state patrol communications
20 center shall activate a blue alert if sufficient descriptive
21 information is available to disseminate to the public that
22 could assist in locating the missing peace officer.

23 The bill provides that the Iowa state patrol communications
24 center shall not release any information about the identity of
25 a peace officer in a case involving the death or serious injury
26 of the peace officer who is the subject of a blue alert. If the
27 blue alert is issued because the peace officer is missing while
28 on duty, the Iowa state patrol communications center shall
29 defer to the investigating law enforcement agency about the
30 nature and limits of the officer information to be made public.

31 If the criteria for issuing a blue alert have been
32 established, the department of public safety shall transmit
33 a blue alert through the emergency alert system to Iowa
34 broadcasters. Upon the transmission of the blue alert, the
35 department shall also post the alert on an internet website

1 accessible by the public. After an initial blue alert
2 transmission, additional information may be submitted by the
3 participating law enforcement agency. The communications
4 officer of the state patrol may direct the transmission of a
5 blue alert upon request from another state if there is evidence
6 that the suspect may be present in Iowa. The area of the blue
7 alert transmission may be directed to a specific location if
8 the Iowa state patrol communications center determines that the
9 nature of the event makes it probable that the suspect did not
10 leave a certain geographic location of the state.

11 The bill provides that a blue alert shall be terminated
12 when the suspect or peace officer is located, the department
13 determines that the blue alert is no longer an effective tool
14 for locating the suspect or peace officer, or five hours have
15 elapsed since the transmission of the blue alert.

16 The bill also provides that a blue alert may be renewed and
17 no entity or individual shall be civilly liable for damages
18 arising from the activation or termination of a blue alert.